

4/10/01

**THIS DISPOSITION IS NOT
CITABLE AS PRECEDENT OF
THE TTAB**

Paper No. 12
CEW

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Robert Bosch GmbH

Serial No. 75/455,278

J. W. Gipple of Gipple & Hale for applicant.

Laura Keegan, Trademark Examining Attorney, Law Office 112
(Janice O'Lear, Managing Attorney).

Before Quinn, Walters and Drost, Administrative Trademark
Judges.

Opinion by Walters, Administrative Trademark Judge:

Robert Bosch GmbH has filed an application on the
Principal Register to register the mark for services
identified, as amended, as "providing training in the use
and application of computer programs which interface with
embedded automotive control software for the purposes of
testing, measuring and application of hardware, but
excluding all those aforesaid goods being used in the field
of navigation including navigational systems for vehicles

in particular electronic travel pilots and electronic maps," In International Class 41.¹

The Examining Attorney has issued a final refusal requiring the submission of substitute specimens showing use of the mark in connection with the sale or advertising of the identified services.

Applicant has appealed. Both applicant and the Examining Attorney have filed briefs, but an oral hearing was not requested. We reverse the refusal to register.

The specimens submitted with the application are described by applicant, in its April 5, 2000 response, as including photographs that "show signage at a display booth at its headquarters where guests are informed about the training services which applicant offers." The specimens consist of excerpts from a magazine entitled *RealTimes*, which appears to be directed to prospective and existing clients of applicant's services. The page submitted describes an "in-house event" conducted by applicant for

¹ Application No. 75/455,278, filed March 23, 1998, based on use in commerce, alleging first use as of June 1994, and first use in commerce as of February 1997. The application also includes goods identified as "computer programs which interface with embedded automotive control software for the purposes of testing, measuring and application of hardware, but excluding all those aforesaid goods being used in the field of navigation including navigational systems for vehicles in particular electronic travel pilots and electronic maps," in International Class 9. However, the acceptability of the specimens submitted in connection with these goods is not at issue in this appeal.

its customer, Volkswagen AG, at its customer's premises. The article includes a photograph of an exhibit booth clearly exhibiting the mark ETAS.² The magazine excerpt submitted also includes a picture of applicant's headquarters in Germany with a sign in front of the building upon which the mark, ETAS, appears.

The Examining Attorney contends that the service mark specimens are unacceptable because "neither the sign outside the applicant's building nor the photograph of the mark at a display booth at a client's facility refer to the services." The Examining Attorney argues that neither the photographs nor the text of the article "indicate that applicant is providing the training services identified in the application."

Contrary to the Examining Attorney's contentions, we find that the specimens are acceptable evidence of the use of the mark, ETAS, in connection with the services identified in the application. The mark appears in the photograph in connection with a booth at applicant's event which, from the text of the article excerpted, appears to be a training session. The nature of applicant's service

² While it is clear from the article that the pictured event and booth is in Wolfsburg, Germany, the magazine is in English and we must conclude, because applicant has verified the use of the mark on the specimens in commerce, that the magazine is distributed in the United States.

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does not need to be spelled out in greater detail on the specimen. We conclude that the specimens of record are adequate to support the use of the mark ETAS in connection with the identified services.

Decision: The refusal to register on the ground that the specimens are unacceptable evidence of service mark use in connection with the identified services is reversed.